

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-3-06.5

Rule Type: New

Rule Title/Tagline: Older Americans Act: personal care.

Agency Name: Department of Aging

Division:

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I. Rule Summary

1. Is this a five year rule review? No
 - A. What is the rule's five year review date?
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 173.01, 173.02, 173.392; 42 U.S.C. 3025; 45 C.F.R. 1321.11
5. What statute(s) does the rule implement or amplify? 173.39, 173.392; 42 U.S.C. 3002, 3030d; 45 C.F.R. 1321.65
6. What are the reasons for proposing the rule?

ODA proposes to adopt this new rule after reviewing the current version of the rule for its 5-year review.
7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

Pursuant to R.C. §173.392, this proposed new rule lists the requirements for every AAA-provider agreement for personal care that is paid, in whole or in part, with Older Americans Act funds.

Although this proposed new rule is similar to the current rule, it differs from the current rule in the following ways:

1. This new rule will allow a person who meets the qualifications to be a Medicare-certified home health aide to qualify to be a PCA without requiring any additional training or competency evaluation, which will increase the pool of persons who qualify to provide this service.
2. This new rule will no longer require providers to conduct a duplicate round of competency evaluation on PCAs who passed competency evaluation to qualify as a PCA.
3. This new rule will deem in-service training completed by a person who serves as both a PCA and a homemaker aide count towards the annual training requirements in this rule and in 173-3-06.4 at the same time, which will reduce the amount of annual in-service training such a person requires.
4. This new rule will highlight a federal rule on reporting (45 CFR 1321.65).
5. This new rule will have an updated organization and terminology.

Please review the BIA for more details.

For more information, please review the BIA.

8. **Does the rule incorporate material by reference? No**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

- 11. As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

\$0.00

ODA estimates that adopting this proposed new rule will have no impact upon its biennial budget, which the Ohio General Assembly established for ODA in H.B. 166 (133rd G.A.), especially because ODA proposes to adopt a new rule of the same number in its place.

- 12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

ODA estimates that this rule creates a cost of compliance for providers. Please review ODA's response to question #16 on the BIA for details.

- 13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

III. Common Sense Initiative (CSI) Questions

- 15. Was this rule filed with the Common Sense Initiative Office? Yes**

- 16. Does this rule have an adverse impact on business? Yes**

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No

C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

This rule requires providers to retain records to verify that the jobs they provide comply with the rule. Please review the BIA for more information.